

**FILED**

OCT 11 2016

**IN THE UNITED STATES DISTRICT COURT**

Clerk, U.S. District Court  
District Of Montana  
Helena

**FOR THE DISTRICT OF MONTANA**

**HELENA DIVISION**

BRIAN JOHN TEMPLE,

Plaintiff,

vs.

PETER JOSEPH CALLAHAN; CITY  
OF HELENA; and ST. PETER'S  
HOSPITAL,

Defendants.

No. CV 15-46-H-SEH

**ORDER**

The Final Pretrial Order submitted by the parties on October 7, 2016, does not comply in numerous particulars with the specific requirements of L.R. 16.4, including:

1. L.R. 16.4(c)(10) regarding use of discovery documents;
2. L.R. 16.4(d) and Appendix Form E regarding proper format for witness lists; and
3. L.R. 16.4(e) and Appendix Form F regarding proper format for exhibit lists.

Specific provisions for form and content currently in use and applicable to all pretrial orders filed in this Court are to include:

1. The final pretrial order must comply with the provisions of Fed. R. Civ. P. 26(a)(3)(A) and L.R. 16.4. **All attached lists must be in portrait orientation.**
2. The final pretrial order supersedes all prior pleadings and may not be amended except by leave of Court.
3. Objections to exhibits, deposition testimony, or the use of other discovery to be offered at trial (e.g. interrogatories and responses to requests for admission) shall be included within the final pretrial order and shall state specific grounds for all objections. *See* L.R. 16.4. Objections, including objections to exhibits and deposition testimony, not stated are waived. *See* L.R. 16.4(b)(5). Exhibits to be offered at trial shall be filed in compliance with paragraph 5 of this Order.
4. The proposed final pretrial order shall be filed. A copy shall be provided to Chambers, 901 Front Street, Suite 3100A, Helena, Montana, 59626.

No later than the date of filing of the proposed pretrial order, each party shall file and provide to Chambers:

- a. The complete transcript of each deposition, any portion of which is to be offered at trial.
- b. Complete copy sets of all interrogatories served by the party.
- c. Complete copy sets of all answers to interrogatories received from any party, if any portion of such answers are to be offered at trial.
- d. Complete copy sets of each request for admission and of each response thereto to be offered at trial.
- e. Complete copy sets of all requests for production served by a party and complete copy sets of all responses to requests for production, if any portion of such responses are to be offered at trial.

**All responses to discovery to be offered as evidence at trial must satisfy the requirements for admissibility as evidence under the Federal Rules of Evidence.**

**5. Exhibits:**

- a. Exhibits are to be bound in a loose-leaf binder and exchanged with opposing counsel prior to the filing of the pretrial order.

- b. Each exhibit shall bear an extended tab showing the number of the exhibit.
- c. Each exhibit document shall be paginated, including any attachments. Plaintiff's exhibits shall be numbered 1 up to 500. Defendants' exhibits shall be numbered 501 and up. All exhibits shall be numbered in chronological sequence. **Any exhibits from depositions to be offered at trial shall be labeled with the appropriate trial exhibit number only.**
- d. Exhibits shall not be duplicated.
- e. Exhibits shall be filed in the electronic record.
- f. The original and one copy of document exhibits shall be delivered to the Clerk of Court on or before October 18, 2016.
- g. An additional copy of exhibits shall be mailed to Chambers, 901 Front Street, Suite 3100A, Helena, Montana, 59626, on or before October 18, 2016.
- h. The parties are expected to use the Court's available evidence presentation technology for exhibit display.

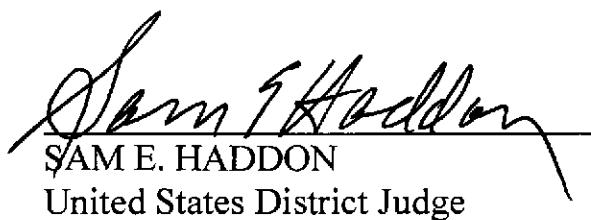
i. *Audio or video electronic exhibits must be in a format compatible with the evidence presentation technology. Parties may contact the Clerk's office for technical assistance.*

6. Experts: Expert reports, in compliance with Fed. R. Civ. P. 26(a)(2) and paragraph 6 of the scheduling order, and any corrections or supplements thereto, shall be filed on or before October 18, 2016.

ORDERED:

Counsel for the parties shall meet and confer in person to agree upon, compile, and resubmit to the Court on or before October 18, 2016, a revised pretrial order which addresses and complies with each and all requirements of L.R. 16.4 and this Order.

DATED this 11<sup>th</sup> day of October, 2016.



SAM E. HADDON  
United States District Judge